

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Abigail Marean	Team: Team # 3	CCRB Case #: 200412764	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/23/2004 3:15 PM	Location of Incident: § 87(2)(b)	Precinct: 107	18 Mo. SOL 3/23/2006	EO SOL 3/23/2006	
Date/Time CV Reported Wed, 12/22/2004 5:15 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 12/22/2004 5:15 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Donnell Myers	10314	934020	101 PCT
2. POM Andrew Tolson	31899	933412	107 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Laura Conlan	05283	933705	105 PCT
2. SGT Joseph Sanfilippo	04315	890932	107 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Donnell Myers	Force: PO Donnell Myers used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Donnell Myers	Force: PO Donnell Myers hit § 87(2)(b) against a vehicle.	§ 87(2)(b)
C.POM Andrew Tolson	Force: PO Andrew Tolson used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Andrew Tolson	Abuse: PO Andrew Tolson threatened to arrest § 87(2)(b) .	§ 87(2)(b)

Synopsis

The CCRB received this case via email on December 22, 2004. § 87(2)(b) age § 87(2)(b), filed this complaint on behalf of his son, § 87(2)(b) age § 87(2)(b) and daughter, § 87(2)(b) age § 87(2)(b). On September 23, 2004, at about 3:00 PM, § 87(2)(b) and § 87(2)(b) were outside § 87(2)(b), Queens, waiting for friends. Two officers, later identified as PO Donnell Myers and PO Andrew Tolson of the 107th Precinct, asked them to leave the area, to which they complied. Soon after during school dismissal, § 87(2)(b) attempted to approach the school again to meet his friends. § 87(2)(b) alleged that PO Myers forcibly stopped him, then pushed his shoulder into a nearby fence while attempting to handcuff him (**Allegation A**, § 87(2)(g)). The officers brought § 87(2)(b) to their nearby police vehicle, at which point § 87(2)(b) alleged that PO Myers struck his head against the door of the police vehicle (**Allegation B**, § 87(2)(g)). § 87(2)(b) was then placed inside the police van. A crowd had gathered at the location. § 87(2)(b) included in the crowd, alleged that PO Tolson pushed her shoulder back (**Allegation C**, § 87(2)(g)) and told her that if she did not leave the location, she would be arrested as well (**Allegation D**, § 87(2)(g)). This case was filed three months after the date of incident.

Summary of Complaint

§ 87(2)(b) provided a written statement when he files the complaint on December 22, 2004 (Enc. 4A-D), however he did not witness the incident and his statement does not include any FADO allegations, thus it is not included in the Summary of Complaint.

§ 87(2)(b) age § 87(2)(b), at the time of the incident, provided a written statement on December 22, 2004 (Enc. 4A-D). He also provided an official statement on January 11, 2005 at the CCRB (Enc. 5A-C). § 87(2)(g)

On September 23, 2004, at about 2:45 PM, § 87(2)(b) had just left § 87(2)(b). § 87(2)(b) was waiting outside the school with his sister, § 87(2)(b) and his friends, § 87(2)(b), § 87(2)(b) and § 87(2)(b) (last name unknown). § 87(2)(b) was waiting for additional friends of his. He saw the police approach from the direction of § 87(2)(b) across the street. Two uniformed male officers asked § 87(2)(b) to move across the street because they had been informed that there was going to be a fight. PO #1 was a black male, 6'2", heavyset. PO #2 was a white male, 5'6", small build, spiky brown hair. § 87(2)(b) moved straight across the street that divides § 87(2)(b) from his school, about 60 feet from his original location. § 87(2)(b)'s friends and sister went with him. About 15 minutes later, the officers approached him again and told them to move or they would "make an example out of one of them." § 87(2)(b) moved to a location about a block away from the school, on the opposite side of the street as the school. About half an hour later, the bell rung and § 87(2)(b) approached the school with his sister and friends. While § 87(2)(b) was walking alongside § 87(2)(b), PO #1 approached § 87(2)(b) and asked him, "Where are you going? You're not going back to the school." § 87(2)(b) stated he was going to get his friends. PO #1 told § 87(2)(b) that he was going to be arrested. He then pushed § 87(2)(b)'s right shoulder back into a nearby fence. PO #1 "got rough," turning § 87(2)(b) around and twisting his arm. § 87(2)(b) pulled his arm back. PO #2 then approached and assisted PO #1 in handcuffing him. PO #1 and PO #2 took § 87(2)(b) to the police van. In front of the van, § 87(2)(b) turned and asked if he could speak to his principal. PO #1 banged § 87(2)(b)'s head into the van's door while holding the back of his neck. § 87(2)(b) wanted to go to his principal to tell him that he went to the school, but the officers put him in the van and took him to the stationhouse. School had just gotten out and there were about 200 people standing nearby watching.

Some kids were yelling to the officers to let § 87(2)(b) go because he hadn't done anything. About 25 kids were standing very close to the officers. The officers told them to clear out. The officers told § 87(2)(b) that they were going to § 87(2)(b). § 87(2)(b) kept saying, "I didn't do nothing, I didn't do nothing." He resisted going into the van by not stepping up and inside it, so the officers picked him up and put him inside the van.

About four school safety agents were standing nearby; § 87(2)(b) did not know their names. None of § 87(2)(b)'s friends were detained. § 87(2)(b) arrived at the 107th Precinct. § 87(2)(b) was put inside a room, where he waited for about two hours. In his written statement, § 87(2)(b) claimed that he was threatened while at the stationhouse, however he made no such allegation during his official statement. He was then taken to § 87(2)(b) and put inside a room. The next day § 87(2)(b) was put in a van and driven to family court on § 87(2)(b). § 87(2)(b) was charged § 87(2)(a) Fam. Ct. Act § 381.3, § 87(2)(b).

Results of Investigation

Civilian Statements

§ 87(2)(b) age § 87(2)(b) at the time of the incident, provided a statement on January 11, 2005 at the CCRB (Enc. 6A-C).

On September 23, 2004, at about 3:15 PM, § 87(2)(b) was waiting outside § 87(2)(b) with her brother, § 87(2)(b) her friend, § 87(2)(b) (last name unknown), § 87(2)(b) and § 87(2)(b) (last name known). They were waiting for everyone to get dismissed. About five or ten minutes later, police officers approached in a marked vehicle and told them to clear out. Both officers were in uniform. PO #1 was a black male, about 6'0", medium build. PO #2 was a white male, medium build. § 87(2)(b) and § 87(2)(b) moved further left down the street, toward the school's parking lot, still waiting for their friends. § 87(2)(b) and § 87(2)(b) moved to the opposite corner; everyone split up. The officers approached again and told them to continue moving. The group moved across the street. An officer then said, "Who wants to be made an example of?" § 87(2)(b) began to cross the street. When she turned around, she saw her brother being handcuffed about half a block away. PO #1 and PO #2 brought § 87(2)(b) across the street. The officers were yanking § 87(2)(b) around. They lifted him up and hit his head against the van. § 87(2)(b) raised his voice, asking to see the principal. The officers were raising their voices when speaking to § 87(2)(b). § 87(2)(b) didn't know if her brother ever physically resisted. § 87(2)(b) was then put inside the van. § 87(2)(b) asked to speak to her brother; the officers wouldn't allow it. PO #2 pushed her left shoulder back and told her that if she didn't leave then she would be arrested too. The officers were being very mean and nasty. There were two school safety officers present, as well as several school officials. School had been dismissed; there were many students nearby. The kids were telling § 87(2)(b) to calm down. The school safety officers were keeping the kids back and telling everyone to go home. An officer told § 87(2)(b) that her brother was going to the 107th Precinct on Jamaica Avenue.

§ 87(2)(b) is a school safety agent at § 87(2)(b). She provided a statement on June 22, 2005 at the CCRB (Enc. 7A-F).

On September 23, 2004, at about 3:15 PM, School Safety Agent § 87(2)(b) was working outside § 87(2)(b) for dismissal. Her memo book entry regarding the incident reads:
1515: dismissal. One kid from § 87(2)(b) arrested by PD. Taken to 107 Precinct

On September 23, 2004, around the time of dismissal, SSA § 87(2)(b) came outside of the school to help with dismissal. About 20 kids had gathered nearby, while a male student, § 87(2)(b), was getting arrested. The crowd was a couple feet away from § 87(2)(b). There were many students outside due to dismissal. § 87(2)(b) was being held in front of the gate at the entrance of the school. SSA § 87(2)(b) did not know what had initiated the interaction between § 87(2)(b) and the officers. SSA § 87(2)(b) was instructed by the school safety sergeant, Level 3 § 87(2)(b), to control the crowd that had gathered. As she did, her back was turned to police officers and § 87(2)(b) who were a couple feet behind her. From what she heard, she assumed that § 87(2)(b) was resisting being handcuffed, although she did not see this take place because her back was turned. SSA § 87(2)(b) could not recall how many NYPD officers were present, nor could she remember what they looked like. SSA § 87(2)(b) and SSA § 87(2)(b) were also outside, controlling the crowd. The 20 kids were raising their voices, although SSA § 87(2)(b) could not recall what they were saying. The School Safety Agents had the crowd under control. SSA § 87(2)(b) moved the group of kids away from the area. One child told SSA § 87(2)(b) that she was related to § 87(2)(b). Once the school safety agents told the group to back off, they complied. SSA § 87(2)(b) could not remember if any NYPD officers ever told the group to back away. The NYPD officers did not make physical contact with any member of the crowd. SSA § 87(2)(b) did not speak to any member of the group. After about ten minutes, § 87(2)(b) was handcuffed. A police van was located in the street in front of the school. One officer placed § 87(2)(b) inside the police van. § 87(2)(b) appeared to be agitated, he was yelling. SSA § 87(2)(b) could not recall what he was saying. SSA § 87(2)(b) saw § 87(2)(b) go inside the police vehicle, at which point he was not resisting. § 87(2)(b) did not bump his head as he was going inside the van. SSA § 87(2)(b) never saw § 87(2)(b) get placed against a fence. She never heard any NYPD officer tell § 87(2)(b) that they would make an example out of him. She heard no officer tell any member of the crowd that they would be arrested. SSA § 87(2)(b) could not recall if any school administrators were present at the location.

§ 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) are school safety agents at § 87(2)(b). They provided statements on June 23, 2005 at the CCRB (Enc. 8A-E and 9A-E, respectively). § 87(2)(g)

§ 87(2)(b) memo book entry regarding this incident reads:
1525: Post 5, 82 on § 87(2)(b) with NYPD impact squad. Charges – § 87(2)(b)
1545: Made a report to Central.
§ 87(2)(b) memo book entry regarding this incident reads:
1515: 10-98, dismissal
1525: student at dismissal being arrested by PD

SSA § 87(2)(b) and SSA § 87(2)(b) were both assigned to dismissal. When they first arrived outside, § 87(2)(b) was standing near an NYPD van in handcuffs. There were two NYPD officers with § 87(2)(b). Neither SSA § 87(2)(b) nor SSA § 87(2)(b) knew their names. They did not know what had initiated the interaction between § 87(2)(b) and the NYPD officers. The NYPD officers were attempting to put § 87(2)(b) inside the police van and each time they tried, § 87(2)(b). One officer was holding each of § 87(2)(b)'s upper arms. Neither officer ever twisted § 87(2)(b)'s arm in an attempt to get him inside the van, nor did either officer ever raise his voice toward § 87(2)(b). Instead of sitting on the seat of the van, § 87(2)(b) was pushing his body up so that his head would be above the van door, preventing himself from going inside the van. At the time, § 87(2)(b) was saying, "No, no." After about 2-3 minutes, SSA § 87(2)(b) told § 87(2)(b) to calm down and get inside the van, at which point § 87(2)(b) complied. Neither SSA § 87(2)(b) nor SSA § 87(2)(b) heard any conversation between § 87(2)(b) and the NYPD officers, nor did they make physical contact with any other member of the crowd. Once § 87(2)(b) was inside the van, he was quiet and SSA § 87(2)(b) asked him for his father's

telephone number. She then called § 87(2)(b)'s father and told him that his son was being arrested and was being taken to the 107th Precinct. § 87(2)(b) never complained of any injuries.

There were about 50 students present. SSA § 87(2)(b), SSA § 87(2)(b), and SSA § 87(2)(b) all worked to keep them under control and away from the location, about 10-15 feet away. The crowd was not posing any threat to the school safety agents. SSA § 87(2)(b) could not remember if members of the crowd were saying anything. SSA § 87(2)(b) stated that the crowd was asking what § 87(2)(b) had done. There were several police officers within the vicinity. Neither SSA § 87(2)(b) nor SSA § 87(2)(b) remembered if any school administrators arrived at the location; they also were never aware of any student that claimed to be § 87(2)(b)'s sister. There was never a possibility of any other member of the crowd being arrested.

Attempts to Interview Additional Witnesses

§ 87(2)(b) and § 87(2)(b) provided the names of several other students who were present for the incident, however did not provide sufficient contact information for the individuals. § 87(2)(b) was reached several times by telephone; she proved to be uncooperative with the investigation. Further contact information was not available for either § 87(2)(b) or § 87(2)(b).

Officer Identification

§ 87(2)(b) and § 87(2)(b) provided matching physical descriptions of the officers they encountered during the incident. PO Myers and PO Tolson were identified by the Juvenile Arrest Investigation Report (Enc. 16A), and both confirmed their involvement in the incident. Both officers also fit the provided descriptions. PO Myers identified SGT Sanfilippo as present during the incident as well, which he also confirmed. § 87(2)(f)

§ 87(2)(g)

Officer Statements

Documented Statements

§ 87(2)(a) Fam. Ct. Act § 381.3, § 87(2)(b)

CCRB Statements

PO Donnell Myers and PO Andrew Tolson

At the time of the incident, PO Myers and PO Tolson were assigned to the 107th Precinct. PO Myers has since been transferred to the 101st Precinct. Both PO Myers and PO Tolson provided statements on March 8, 2005 at the CCRB (Enc. 10A-E and 11A-E, respectively).

On September 23, 2004, PO Myers and PO Tolson worked from 11:30 AM until 8:05 PM. They were working with SGT Sanfilippo of the 107 Precinct and were assigned to impact van 5789. They were both in uniform. PO Tolson was assigned to sergeant's operator.

PO Myers' memo book entry regarding this incident reads:

1528: 1 under, § 87(2)(b) DOB § 87(2)(b) at § 87(2)(b)
1531: transporting to stationhouse
1536: at 107 PCT
1600: notified father, § 87(2)(b) § 87(2)(b)
1655: transported in van 5789 to § 87(2)(b) in the Bronx with PO Tolson and Zimarotis.
1720: at § 87(2)(b)
1815: EOT

PO Tolson's memo book entry regarding this incident reads:

1520: Picked up § 87(2)(b) male at § 87(2)(b). Arrest handled by PO Myers. Transported to stationhouse, assisted PO Myers.

On September 23, 2004, PO Myers and PO Tolson were in front of § 87(2)(b), which is § 87(2)(b) at about 3:20 PM. The officers had been informed by school safety that there was going to be a fight after school. The officers were attempting to move children who were loitering in front of and near the school because during the school dismissal kids can block pedestrian and vehicular traffic if they stay in the area. There were about 20-25 kids in front of the school. § 87(2)(b) was standing directly in front of the school with about 5 or 6 other kids. They were about 15-20 feet from the entrance. § 87(2)(b) was asked to move 5-10 times by PO Myers and PO Tolson, which he refused to do. He shrugged off the officers and would move about 5 or 10 feet, then return to his original location. The five or six kids § 87(2)(b) was with left the area and went across § 87(2)(b) but § 87(2)(b) continuously returned. § 87(2)(b) was the only child who kept coming back to the location; he did not state why he would not leave. PO Myers asked him for ID, which he refused to provide by stating that he did not have any and wasn't giving any to the officers. All the students who go to school have either a program card or a photo ID in order to get in, so he knew § 87(2)(b) had to have one or the other. PO Tolson stated he did not remember if PO Myers ever asked § 87(2)(b) for ID. PO Myers stated he informed § 87(2)(b) that he would be placed under arrest if he did not provide ID. PO Myers attempted to handcuff him, at which point he began flailing his arms in the air. PO Myers stated that PO Tolson noticed that § 87(2)(b) was resisting and assisted PO Myers by grabbing § 87(2)(b)'s other arm; the officers eventually handcuffed him after struggling for about 15-20 seconds. PO Tolson also stated that § 87(2)(b) resisted being handcuffed. However, he stated that he kept the nearby crowd under control, but never assisted in handcuffing § 87(2)(b). There was a nearby fence that § 87(2)(b) was standing near while he was handcuffed, both officers stated that § 87(2)(b) was never put up against the fence. § 87(2)(b)'s shoulder never went into a fence while he was being handcuffed. He never complained of any injury to his shoulder.

The officers' van was about 10 feet away, at the corner of § 87(2)(b). The officers brought § 87(2)(b) to the van, during which time he was still attempting to shrug off the officers. He screamed, "Don't fucking touch me." There were other students nearby because school was dismissed at 3:15 PM, as they were bringing him to the van. PO Myers stated that he and PO Tolson attempted to put § 87(2)(b) in the van, to which he did not comply. PO Tolson stated that PO Myers and another officer, he could not remember whom, eventually got § 87(2)(b) inside the van, but that he did not assist in getting § 87(2)(b) inside the van. He also stated that SGT Sanfillipo was standing near the van but did not assist the officers in detaining § 87(2)(b). PO Myers stated that § 87(2)(b) leaned backward and put his head against the top doorframe of the van, he then stood on the running board of the van, straightening his body in order to prevent himself from going inside and wouldn't bend over to sit inside. PO Myers stated that § 87(2)(b)'s head never hit any part of the van with any sort of force; he never complained of any injury to his head. PO Tolson stated that § 87(2)(b) was standing on the running board of the van and leaning on PO Myers, refusing to get inside, and yelling to the crowd. PO Tolson did not remember ever seeing § 87(2)(b)'s head ever contact the van. The officers told him to get in the van. About 50-60 students began crowding around the van, standing about 2-3 feet away. They were yelling and § 87(2)(b) was yelling that he was not getting in the van. A school safety agent came outside and instructed § 87(2)(b) to get inside the van, at which point he complied. PO Myers did not know the name of the school safety agent but described him as a black male, 5'11", 30-35 years old. The officers had been struggling with § 87(2)(b) for about 35 seconds before the school safety agent arrived.

PO Tolson said the crowd was yelling, "What is he getting arrested for?" PO Myers stated that § 87(2)(b)'s sister was in the group of students about 2-3 feet away and was screaming, "That's my brother." Neither PO Myers nor PO Tolson said anything to her or made physical

contact. She was never detained. There was never a possibility that she would be arrested. After § 87(2)(b) was inside the van, PO Myers then got inside the van as well. PO Tolson got in the driver's seat. § 87(2)(b) never asked to speak to the principal. SGT Sanfilippo was sitting in the front passenger seat of the van. § 87(2)(b) was transported to the stationhouse. Inside the van, his demeanor changed; he asked about the computer inside the van. PO Myers suspected that he had been showing off in front of his friends. § 87(2)(b) was arrested § 87(2)(b).

At the stationhouse, § 87(2)(b) was put inside the juvenile room, where he stayed for about an hour and ten minutes. At the school, § 87(2)(b) was out of control, screaming and wouldn't listen to the officers. At the stationhouse, § 87(2)(b) was compliant; he seemed like a normal kid. PO Myers contacted his father; both the parents came to the stationhouse. § 87(2)(b)

§ 87(2)(b). The parents were complaining that he was being sent to § 87(2)(b). PO Myers never saw § 87(2)(b)'s sister at the stationhouse. § 87(2)(b) was sent to § 87(2)(b) at the commanding officer's, Deputy Inspector Talamo's, decision. PO Myers brought § 87(2)(b) inside and signed in at § 87(2)(b). § 87(2)(b) was searched, the officers then left and returned to the stationhouse. Throughout the encounter, PO Myers was calm throughout the encounter. He never raised his voice. PO Tolson never raised his voice.

SGT Joseph Sanfilippo

SGT Sanfilippo provided a statement on April 18, 2005 at the CCRB (Enc. 13A-D).

SGT Sanfilippo's memo book entry for the date of September 23, 2004 reads:

1528: 1 under for § 87(2)(b) at § 87(2)(b). PO Myers.

1535: 84 at the 107 PCT

Initially, SGT Sanfilippo had no recollection of the incident. He later recalled that on September 23, 2004, he worked from 11:30 AM until 8:27 PM. He was assigned to impact sergeant with PO Tolson and PO Myers. He was assigned to van 5789 and was in uniform. SGT Sanfilippo could not recall any details of the incident. He visits § 87(2)(b) often. Neither the name § 87(2)(b) nor his picture, helped jog § 87(2)(b)'s memory.

PO Laura Conlon

PO Conlon provided a statement on March 14, 2005 at the CCRB (Enc. 12A-E).

On September 23, 2004, PO Conlon worked from 11:30 AM to 8:05 PM. She was assigned to vehicle 5789. She did not remember whom she was working with. She was in uniform and had no memo book entries regarding this incident.

On September 23, 2004, PO Conlon was on a gun run at § 87(2)(b). She did not remember the other officers who were with her at the time. PO Conlon was never in the vicinity of § 87(2)(b) on the date of incident. She did not remember working with PO Myers, PO Tolson or SGT Sanfilippo on that date. The name § 87(2)(b) was not familiar to PO Conlon and she did not recognize his photograph.

Police Documentation

The **Sprint Report** (Enc. 14A) indicates that § 87(2)(b) was arrested at 3:27 PM.

The **Command Log** (Enc. 15A) indicates that § 87(2)(b) was arrested by PO Myers § 87(2)(b), § 87(2)(a) Fam. Ct. Act § 381.3. The report indicated that his condition was apparently normal and that his father, § 87(2)(b) arrived at the stationhouse. § 87(2)(b) was transported to § 87(2)(b) at 6:10 PM in police vehicle #5789.

The **Roll Call** (Enc. 17A) indicates that PO Myers, PO Tolson and PO Conlon were all assigned to vehicle #5789 and on duty at the time of the incident.

§ 87(2)(b) s CCRB History

§ 87(2)(b) has not filed any previous CCRB complaints (Enc. 3A).

§ 87(2)(b) s History of Criminal Convictions

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) s History of Criminal Convictions

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

PO Myers' CCRB History

PO Myers has no other CCRB allegations (Enc. 1A).

PO Tolson's CCRB History

PO Tolson has no other CCRB allegations (Enc. 2A).

Conclusions and Recommendations

Undisputed Facts

It is undisputed that § 87(2)(b) approached § 87(2)(b) after PO Myers and PO Tolson instructed him not to. Also undisputed is that § 87(2)(b) physically resisted being handcuffed and being put inside the police van.

Disputed Facts

§ 87(2)(b), § 87(2)(g)

Credibility

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b) [REDACTED] was not present for the incident and did not provide a statement, however it should be noted that he filed the complaint on behalf of his son, yet did so three months after the date of incident.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

SGT Sanfillipo stated that he had no recollection of the incident § 87(2)(g) [REDACTED]
[REDACTED] PO Conlon verified that she was not present for the incident.

Allegations Not Pleaded

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

Allegation A: PO Donnell Myers used physical force against § 87(2)(b)

Allegation B: PO Donnell Myers hit § 87(2)(b) against a vehicle.

§ 87(2)(b) alleged that PO Myers twisted his arm and pushed his right shoulder into a nearby fence as he was attempting to handcuff him. PO Myers denied both actions, which was corroborated by PO Tolson.

§ 87(2)(b) also alleged that PO Myers held the back of his head and hit it against the door of the police van as he was attempting to place § 87(2)(b) inside the van. PO Myers, SSA § 87(2)(b) and SSA § 87(2)(b) all refuted this allegation and stated that § 87(2)(b) was straightening his body as the officers were attempting to place him within the vehicle, thereby preventing him from entering the vehicle. SSA § 87(2)(b) and SSA § 87(2)(b) further specified that § 87(2)(b) was pushing his body up so that his head was slightly above the doorframe, inhibiting his body from entering the vehicle.

§ 87(2)(b), § 87(2)(g)

Allegation C: PO Andrew Tolson used physical force against § 87(2)(b)

Allegation D: PO Andrew Tolson threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that while she was standing near the police van as her brother was being arrested, PO Tolson pushed her left shoulder back, then told her that if she didn't leave the location, she would be arrested as well. PO Tolson stated that he was maintaining the crowd at one point during the incident, but that he never made any physical contact with any member of the crowd, nor did he ever tell a female member of the group that she could be arrested as well. The three school safety agents corroborated his account.

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: